

February 2013

scottish
refugee
council



Health Information Briefing

Health rights and entitlements of refugees and asylum seekers in Scotland

Statutory regulations and guidance

The law exempts from charging for NHS services anyone who has made a formal application for leave to stay as a refugee in Scotland

The statutory regulations ('the law') governing charging for National Health Service (NHS) healthcare for refugees and asylum seekers in Scotland are the 1989 The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 / 364 (as amended) .

This law exempts refugees and anyone who has made a formal application for refugee status from all charging:

*"4. No charge shall be made in respect of any services forming part of the health service provided for an overseas visitor, being a person or the spouse or child of a person—...
... (c) who has been accepted as a refugee in the United Kingdom, or who has made a formal application for leave to stay as a refugee in the United Kingdom."*

Scottish Government Guidance for health providers states that anyone who has applied for asylum, whether pending or unsuccessful, is entitled to treatment on the same basis as an ordinarily resident UK national while they remain in Scotland.

In 2008, the Scottish Government produced guidance for healthcare providers covering overseas visitors' use of NHS services and care in Scotland (including GP services). In April 2010, this was replaced by new guidance: [CEL 09 \(2010\) Overseas Visitors' Liability to Pay Charges for NHS Care and Services](#). The current guidance states that if a person is exempt from charges under the 1989 regulations (see above), they are entitled to healthcare and services:

"...on the same basis as a UK national who is ordinarily resident in Scotland."

In relation to asylum seekers, refused asylum seekers and those granted refugee status, the guidance is very clear:

"32. Anyone who has made a formal application for asylum, whether pending or unsuccessful, is entitled to treatment on the same basis as a UK national who is ordinarily resident in Scotland while they remain in the country.

If their application to remain in the UK is successful, they will be granted refugee status and will continue to be exempt from NHS charges on the same basis as a person ordinarily resident in Scotland."

In Annex C, a quick guide to those who will receive NHS services on the same basis as a person ordinarily resident in the UK, the guidance specifically states the category:

“Refugees and asylum seekers (including those whose applications have failed)”

In other words, the guidance does not provide for any discrimination or differentiation in access to NHS treatment or care in Scotland as a consequence of the status of someone’s asylum claim or UK Border Agency Asylum Support entitlements.

Registering with a GP

All asylum seekers and refugees are entitled to register with a GP

The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004 is the law governing the contracting of GP services in Scotland. It provides GP practices with certain discretion to accept or refuse applications to register as a patient. However, it must have *“reasonable grounds”* for refusal and may not refuse anyone on grounds that *“...relate to the applicant’s race, gender, social class, age, religion, sexual orientation, appearance, disability or medical condition.”*

One of the reasonable grounds for GP practices to refuse registration is that the applicant does not live in the practice area. However, the regulations provide for someone to register if they are in an area for more than 24 hours and up to 3 months as a Temporary Resident if they are *“moving from place to place and not for the time being resident in any place.”*

The CEL 09 (2010) guidance (see above) provides examples of evidence that would be sufficient to demonstrate that someone has made a formal application for asylum and is therefore entitled to full free access to NHS services and care:

“59. Letters from the UK Border Agency (UKBA) – UKBA often issue documents confirming details of a person’s right to stay in the UK. Examples of the types of letters issued by the UKBA include:

- *A letter confirming that a person has permanent leave to remain.*
- *A letter of temporary admission (IS96) for Asylum Seekers.*
- *An Application Registration Card (ARC).*
- *A Standard Acknowledgement Letter (SAL).*

60. Either an IS96, ARC or SAL would be sufficient proof that an individual had made a formal claim for asylum.”

The role of the Asylum Health Coordinator in NHS Greater Glasgow and Clyde Health Board is to allocate all asylum seekers in Glasgow to a GP Practice. The Health Coordinator will post out to the asylum seeker’s address a GP registration card advising what GP practice they have been allocated to. If asylum seekers in Glasgow are not registered with a GP the Health Coordinator can be contacted for assistance on 0141 553 2812.

If someone has been refused registration and is having difficulty in registering with a GP, they can contact Practitioner Services Division and send them their medical card and a letter detailing the name of any GP Practices who have refused to register them. Practitioner Services Division will allocate the patient to a doctor accepting patients within the area that they are temporarily residing.

Anyone who is destitute in Glasgow and is not registered with a GP can access the Hunter Street Homelessness GP Surgery at 55 Hunter Street G4 0UP on 0141 553 2801. Appointments can be made in the morning and there is an open clinic in the afternoon from 2pm-4.00pm.

Help with additional healthcare costs

As an NHS patient most healthcare and services are free. However, NHS patients in Scotland are asked to pay for some additional costs such as dental care, glasses, contact lenses, wigs and fabric supports. Travel expenses to attend hospital appointments can also be prohibitive for people on low incomes.

Any NHS patient on a low income can apply for an exemption from these additional costs by completing an HC1 form, available from GP practices, Jobcentre Plus, NHS hospitals, pharmacies and advice agencies. If accepted, an HC2 certificate will be issued. Patients should present their HC2 certificate along with travel receipts at NHS hospital appointments to receive a refund for travel expenses or when asked to pay for any additional costs such as dental care or glasses.

Asylum seekers in receipt of Asylum Support from the UK Border Agency will automatically be issued with an HC2 certificate as part of the support package. Asylum seekers or refused asylum seekers not in receipt of Asylum Support can still apply for an exemption by filling out an HC1 form.

Scottish Refugee Council can help with this: 0800 085 6087 (free phone)

www.scottishrefugeecouncil.org.uk

Further sources of information

How to access healthcare in Scotland, Scottish Refugee Council (leaflet available in 16 languages):

http://www.scottishrefugeecouncil.org.uk/assets/0000/1948/ENGLISH_Accessing_health_care.pdf

Information for asylum seekers and refugees in Scotland, Health Rights Information Scotland (leaflet in 9 languages and audio): <http://www.hris.org.uk/information-for-refugees-and-asylum-seekers-translated-in-9-languages/>

NHS patients' rights, Citizens Advice Bureau (online self-help guide):

http://www.adviceguide.org.uk/scotland/healthcare_s/healthcare_nhs_healthcare_s/nhs_patients_rights_scotland.htm

Access to health care for asylum seekers and refused asylum seekers – guidance for doctors, British Medical Association: <http://bma.org.uk/-/media/Files/PDFs/Practical%20advice%20at%20work/Ethics/asylumseekeraccessguidancenovember2012.pdf>

References

1989 The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 / 364, www.legislation.gov.uk/uksi/1989/364/made

Scottish Government Health Directorate, CEL 09 (2010) Overseas Visitors' Liability to Pay Charges for NHS Care and Services, www.sehd.scot.nhs.uk/mels/CEL2010_09.pdf

The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004, www.legislation.gov.uk/ssi/2004/115/contents/made